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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,818	10/31/2001	Jeffrey G. Wiley	10016464-1	4713

7590

10/28/2005

## HEWLETT-PACKARD COMPANY

Intellectual Property Administration

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EXAMINER

AVELLINO, JOSEPH E

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/003,818

Applicant(s)

WILEY ET AL.

Examiner

Joseph E. Avellino

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10/5/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claims 1-24 are presented for examination; claims 1, 14, and 20 independent.

***Claim Rejections - 35 USC § 102***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Ranalli et al. (USPN 5,790,639) (hereinafter Ranalli).

3. Referring to independent claim 1, Ranalli discloses a method for providing a remote document history repository (e.g. file server), comprising:

    sending a document from a multifunction device (i.e. fax machine which both sends the document as well as receives the document) (col. 5, lines 45-52); and

    recording delivery data for said sent document in said remote document history repository (i.e. destination number) (col. 6, lines 1-10) when said document is sent from said multifunction device (see above), wherein said delivery data is used to automatically resend the document to the recipient from said remote document history repository independent of said multifunction device (col. 6, line 62 to col. 7, line 15).

4. Referring to claim 2, Ranalli discloses the remote document history is used to track document flow (i.e. how the document goes from the sender to the recipient with all the logging done with regards to the document sent) (col. 6, lines 35-62).
5. Referring to claim 3, Ranalli discloses the multifunction device is a network capable scanner (i.e. a fax machine, which is connected to a PSTN network and scans the document to be sent) (e.g. abstract).
6. Referring to claim 4, Ranalli discloses updating said remote document history repository to indicate receipt of said sent document (e.g. storing the digital representation) (col. 6, lines 10-15).
7. Referring to claim 5, Ranalli discloses copying said document to said remote document history repository (col. 8, lines 30-34).
8. Referring to claim 6, Ranalli discloses resending said document by sending said copied document from said remote document history repository (col. 7, lines 15-38).
9. Referring to claim 7, Ranalli discloses redirecting the document by sending the copied document from the repository to another recipient (i.e. another fax number) (Figure 3A "Enter New Number" filled in by the destination but automatically executed on subsequent calls).

10. Referring to claim 8, Ranalli discloses copying said document to a network site (e.g. file server) (col. 6, lines 10-15).

11. Referring to claim 9, Ranalli discloses notifying an intended recipient of said document that said copied document is available from said network site (col. 5, lines 25-30).

12. Referring to claim 10, Ranalli discloses notifying a sender of said document that said document is undeliverable (i.e. notifying a human operator for resolution) (col. 7, lines 40-45).

13. Referring to claim 11, Ranalli discloses monitoring receipt of said document (i.e. not successfully delivered); and resending said document after a predetermined time based on said delivery data recorded in said remote document history repository if a receipt is not received from the recipient (col. 6, lines 62-67).

14. Referring to claim 12, Ranalli discloses recording said delivery data is transparent to the user of the multifunction device (i.e. all done outside of the customer from the autodialer 12 up through the store and forward network) (col. 5, lines 45-67).

15. Referring to claim 13, Ranalli discloses converting a paper document to an electronic document at a multifunction device for sending therefrom (col. 4, lines 47-58; col. 5, lines 45-48).

16. Claims 14-28 are rejected for similar reasons as stated above.

### ***Response to Arguments***

17. Applicant's arguments dated October 5, 2005 have been fully considered but are not persuasive.

18. In the remarks, Applicant argues, in substance, that (1) the multifunction device and the recipient are not directly connected, since various components are interspersed between the two devices, (2) Ranalli does not disclose automatically resending the document to the recipient from the repository, (3) Ranalli does not disclose accessing the repository to track document flow, (4) Ranalli does not disclose a remote document history repository being updated when the document is received, (5) Ranalli does not disclose notifying an intended recipient that the document is available from the network site

19. As to point (1) Applicant does not define in the specification as to what a "direct" transmission from a multifunction device to a recipient specifically entails and as such the Office is forced to use the broadest interpretation reasonable in the art. By this

rationale, the term "directly sent" can be construed as a communication between two entities which is not permanently redirected to another entity. As such, since the document travels through the source and destination fax agents without being redirected to another entity (i.e. the destination always stays the same), the connection between the sending fax machine and the recipient is considered a direct connection. By this rationale, the rejection is maintained.

20. As to point (2), Ranalli discloses automatically retrying to send the document from the destination node. Although Applicant is arguing that the Office is construing the file server 26 as the repository, Applicant can appreciate that Figure 2 clearly shows that the source/destination node comprises the file server. By this rationale, the rejection is maintained.

21. As to point (3) Applicant is incorrect in that the nodes cannot be accessed to track document flow. As shown in Figure 3A, an email generated by the node communicates with the sender in order to track document flow (i.e. that the document was unable to be delivered). By this rationale, the rejection is maintained.

22. As to point (4) Applicant's attention is directed to Ranalli, col. 6, line 52-61 where it is taught that the FTR 48 updates the DSU with the final delivery information. By this rationale, the rejection is maintained.

23. As to point (5), Applicant's attention is directed to col. 5, lines 25-30 where it is stated that the destination FTR dials the destination fax number to commence delivery. This inherently notifies the recipient that the document is available. And since the FTR is on a network, it is considered accessible on a network site. By this rationale, the rejection is maintained.

### ***Conclusion***

24. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

25. Applicant employs broad language, which includes the use of word, and phrases, which have broad meanings in the art. In addition, Applicant has not argued any narrower interpretation of the claim language, nor amended the claims significantly enough to construe a narrower meaning to the limitations. As the claims breadth allows



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multiple interpretations and meanings, which are broader than Applicant's disclosure, the Examiner is forced to interpret the claim limitations as broadly and as reasonably possible, in determining patentability of the disclosed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993). Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response, and reiterates the need for the Applicant to more clearly and distinctly, define the claimed invention.

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

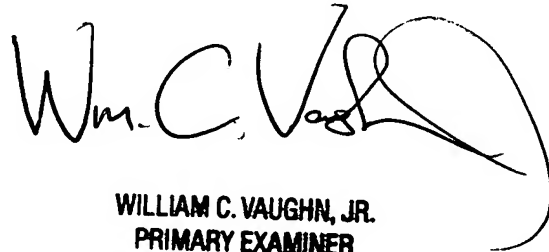
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JEA

October 14, 2005



Wm. C. Vaughn, Jr.  
WILLIAM C. VAUGHN, JR.  
PRIMARY EXAMINER